

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

APR 11 2013

CLERK, U.S. DISTRICT COURT

By Deputy

UNITED STATES OF AMERICA

v.

DWIGHT LOONEY

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No. 4:13-MJ- 233

CRIMINAL COMPLAINT

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about July 3, 2010, **Dwight Looney**, knowingly employed and used a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

Specifically, **Looney** digitally recorded and stored using digital media the following visual depiction of a minor engaged in sexually explicit conduct:

b6.avi: An Audio Video Interleave (avi) file, approximately 11:44 minutes in length, depicting **Looney** engaging in oral sex with and touching the genitalia of a minor female victim who is approximately 10 years old at the time of the recording (hereinafter referred to as MV1).

In violation of 18 U.S.C. § 2251(a).

I further state that I am a Supervisory Special Agent with Homeland Security Investigations (HSI) within ICE assigned to the Office of the Special Agent-in-Charge, Dallas, Texas. This complaint is based on the following facts gathered through my investigation and through reports relayed to me by Detective Christopher

Daniels with the Fort Worth Police Department as well as other members of law enforcement:

INTRODUCTION

1. I am currently a Supervisory Special Agent with Homeland Security Investigations (HSI) within ICE assigned to the Office of the Special Agent-in-Charge, Dallas, Texas. I have been employed by HSI since March 2003. As part of my duties as an HSI agent, I investigate, and supervise other agents who investigate, criminal violations relating to child exploitation and child pornography, including violations pertaining to the production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252, and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256); in all forms of media including computer media. I have been involved in numerous child pornography investigations and am very familiar with the tactics used by child pornography offenders who collect and distribute child pornographic material.

2. This affidavit sets forth facts and suggests reasonable inferences from those facts, establishing that there is probable cause to believe that on or about July 3, 2010, in the Northern District of Texas Fort Worth Division, **Dwight LOONEY**, committed the offense of Production of Child Pornography, in violation of 18 U.S.C. § 2251(a).

OVERVIEW OF INVESTIGATION

3. On January 31, 2013, Detective Daniels of the Fort Worth Police Department received information from the Irving Police Department that MV1 made an outcry to a teacher that she has been sexually assaulted by **Dwight LOONEY**. During a subsequent interview with an Alliance for Children Forensic Interviewer, MV1 stated that **LOONEY** repeatedly sexually assaulted her beginning when she was approximately nine years of age until she was approximately 11 years of age, which based on MV1's current age would be between 2009 and 2012. MV1 indicated that **LOONEY** had made digital recordings of the sexually abuse.

4. On February 7, 2013, Detective Daniels obtained a State search warrant for **LOONEY**'s residence on Kermit Avenue, Fort Worth, Texas, to search for evidence of violations of Aggravated Sexual Assault-of a Child under 14 Years. On the same date, Detective Daniels executed the State search warrant and seized numerous items in furtherance of his investigation; to include but not limited to, multiple computers and digital storage media.

5. On March 21, 2013, Computer Forensic Examiner (CFE) J. Willingham with the Fort Worth Police Department provided a forensic report on the computers and digital media seized during the February 7, 2013 search warrant executed at **LOONEY**'s home.

6. CFE Willingham identified a large volume of child pornographic material on several of the seized items. CFE Willingham's estimation indicates that there were tens of thousands of images of child pornography and a large number of video files depicting child pornography located on the seized items.

7. CFE Willingham also identified numerous images and videos of MV1 located on the seized items. The images and videos were largely child erotica with a small number constituting child pornography. The images and videos were taken between February 2010 and July 2012 apparently both with and without MV1's knowledge, and most contained sexual overtones or nudity.

8. CFE Willingham located a video file depicting **LOONEY** and MV1 engaging in sexually explicit conduct. The video file, titled **b6.avi**, is described more fully above. No EXIF data was associated with the video file titled **b6.avi** but CFE Willingham located a time/date stamp in the upper left corner of the file indicating the video file was produced on or about July 3, 2010. CFE Willingham did not find any data in the computer file systems which conflicted with this time/date.

9. Detective Daniels positively identified **LOONEY** and **MV1** in the video file titled **b6.avi**. In addition, Detective Daniels positively identified the room in which the video was produced as located in **LOONEY's** residence on Kermit Avenue, Fort Worth, Texas.

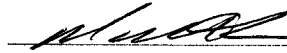
10. CFE Willingham examined the registry files of the seized computers. The examination established that the video file titled **b6.avi** was accessed by user "DL" beginning in at least August 2010 and continuing through February 2013. CFE Willingham further identified that user "DL" is the only non-programmatic user accessing the seized items. The only other user logged was an automatic update function of the graphics software.

11. CFE Willingham located the video, **b6.avi**, on two different digital storage devices, both owned and controlled by **LOONEY**. One of the locations was the second hard drive contained within a no brand computer. This hard drive was a Seagate hard drive, model ST3750640AS and serial number 3QD0T3QJ. The second location was the second hard drive in an external container. This hard drive was a Seagate hard drive, model ST3500413AS and serial number 5VMSQ521.

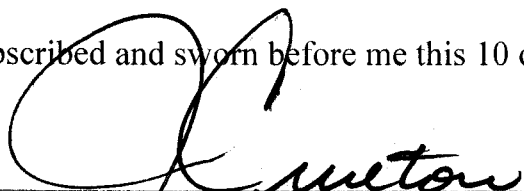
12. I am aware that Seagate is a company incorporated in Dublin, Ireland with its principal executive offices in Cupertino, California. I am also aware that Seagate manufacture the majority of its hard drives in manufacturing plants in China and Thailand and does not manufacture hard drives in the State of Texas.

CONCLUSION

13. Based on the foregoing facts and circumstances, I respectfully submit that there is probable cause to believe that on or about July 3, 2010, in the Northern District of Texas Fort Worth Division, **Dwight LOONEY** committed the offense of Production of Child Pornography, in violation of 18 U.S.C. §2251(a).


Matthew Dunn
Supervisory Special Agent
Department of Homeland Security
Homeland Security Investigations

Subscribed and sworn before me this 10 day of April, 2013.


HONORABLE JEFFREY L. CURETON
United States Magistrate Judge
Northern District of Texas Fort Worth Division